IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.24231 of 2007

DATED 15-11-2007

BETWEEN

K.Janaki Ramaiah

.. Petitioner

And

The Tahsildar,
Uravakonda Mandal,
Ananthapur District.

.. Respondents

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO. 24231 of 2007

ORDER:

The petitioner seeks to issue a writ of Mandamus declaring the notice issued by the Tahsildar, Uravakonda calling upon the petitioner to be present on 6.11.2007 at 10.00 a.m along with documents and pattadar pass books on the ground that the Mandal Surveyor, Uravakonda is coming on that day to inquire into the boundaries of S.Nos.468/B & 467/C, as illegal and arbitrary.

It is the case of the petitioner that the impugned notice was issued by the first respondent at the instance of his brother, the second respondent herein while the revision is pending before the Joint Collector and, therefore, the same is illegal and arbitrary. It is submitted that against the grant of patta and title deeds by the

Mandal Revenue Officer in respect of Ac.9.00 of land in Survey No.468-B and Ac.2.42 cents of land in S.No.461-C of Uravakonda Village in favour of the petitioner, the petitioner's brother filed an appeal before the Revenue Divisional Officer, Ananthapur, who by order dated 27.1.2007 allowed the appeal canceling the pattadar passbook and title deeds issued in favour of the petitioner and remitted the matter back to the Mandal Revenue Officer to conduct de novo enquiry. As against the said order, the petitioner filed a revision before the Joint Collector and the said revision was directed to be considered and disposed of by this Court in W.P.No.22046 of 2007 dated 12.10.2007. While so, it is stated that the Mandal Revenue Officer issued the impugned notice under the provisions of the A.P. Survey and Boundaries Act, 1923 (for short 'the Act') to fix up the boundaries in respect of the said land.

It is stated that the impugned notice has been issued at the instance of his brother. The notice issued by the Tahsildar is nothing to do with the revision. However, since the date of inspection i.e. 6.11.2007 is already over and as the petitioner has already filed an explanation, I am of the opinion that the petitioner is not entitled for the relief of declaration that the said notice is illegal. If any adverse order is passed, it is always open for the petitioner to question the same in an appeal under Section 11 of the Act.

The writ petition is accordingly dismissed.

V.ESWARAIAH,J

Dt.15.11.2007

msv